

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DONTEZ MCQUITER,

Plaintiff,

v.

Case No. 2:07-CV-100

DAVE BURNETT, et al.,

HON. GORDON J. QUIST

Defendants.

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ORDER ADOPTING REPORT AND RECOMMENDATION

The Court has before it Plaintiff's Objections (docket nos. 58-60) to the report and recommendation dated February 25, 2008. In his report and recommendation, Magistrate Judge Greeley recommended that the Court deny Plaintiff's motions for a preliminary injunction requiring Defendants to place him on the Kosher diet. Plaintiff alleges in this case that Defendants have violated his First and Fourteenth Amendment rights, as well as the Religious Land Use and Institutionalized Persons Act, by denying him participation in the Kosher meal program. The magistrate judge recommended denying Plaintiff's motions on the grounds that Plaintiff failed to show both a substantial likelihood of success on the merits as well as irreparable harm. In particular, the magistrate judge stated that Defendant Riley, the Prison Chaplain, noted during his interview of Plaintiff on September 18, 2006, that Plaintiff did not demonstrate a sufficient knowledge of Judaism to receive a Kosher meal plan. The magistrate judge concluded that Plaintiff had not demonstrated adequate knowledge or commitment to the Jewish faith and therefore had not met his heavy burden of establishing the need for injunctive relief.

After conducting a *de novo* review of the report and recommendation, the Court concludes that the report and recommendation should be adopted.

The Court has reviewed Plaintiff's Objections, as well as the materials Plaintiff submitted along with his Objections, and concludes that Plaintiff fails to offer any persuasive reason to conclude that the magistrate judge's recommendation should be rejected. Plaintiff attempts to show a knowledge of the Jewish faith, but this must simply be considered along with Defendant Riley's determination that Plaintiff seemed to have a superficial knowledge of the Jewish faith. In addition to the September 18, 2006, interview, Defendant Riley interviewed Plaintiff again in October 2007, and at that time, noted that Plaintiff still displayed very little knowledge of Judaism. Contrary to Plaintiff's assertions, Defendants sufficiently documented their reasons for concluding that Plaintiff did not demonstrate a sincerity of belief in the Jewish religion to merit placement on the Kosher meal plan. Therefore,

IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation issued February 25, 2008 (docket no. 56) is **APPROVED AND ADOPTED** as the Opinion of this Court.

IT IS FURTHER ORDERED that Plaintiff's Motions for a Preliminary Injunction (docket nos. 2 and 37) and Plaintiff's Motion for Hearing (docket no. 54) are **DENIED**.

Dated: March 26, 2008

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE